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April 1, 2003

Mr. Robert Lake
Director, Office of Regulations and Policy
Center for Food Safety and Applied Nutrition
Docket Management Branch (HFA-305)
Food and Drug Administration
5630 Fishers Lane, Room 1061
Rockville, MD, USA 20852

**RE: Docket Number 02N-0278,
Section 307, Bioterrorism Preparedness,
Prior Notice of Imported Food Shipment**

Dear Mr. Lake,

Clearwater Seafoods Limited Partnership is one of Canada's largest harvesters and processors of seafood. Our company exports a wide range of seafood products into the global marketplace, specializing in live lobster, sea scallops, surf clam and shrimp. The US market is an important component of our business, representing approximately 42% of sales in 2002. Our company is committed to supplying safe and secure products to the US market and have demonstrated this commitment by signing onto the US Customs' C-TPAT program.

We are concerned about the impacts of the draft regulations put forward in the Federal Register on February 3, 2003 to implement the *Public Health and Security and Bioterrorism Preparedness and Response Act* of 2002. We would ask you to take the following into consideration in making amendments to the regulations prior to their finalization.

When notice must be submitted: In section S1.286, prior notice must be submitted no later than noon of the calendar day before the day the article of food arrives at the border crossing.

Notification by noon the day prior to the shipment crossing the border seriously impedes our company's ability to provide "just in time" deliveries to our customers and reduces our flexibility to fulfill last minute orders. This creates a business impediment for frozen product and places Canadian suppliers at a disadvantage to other more distant trade partners because of our proximity to the border.

02N-0278

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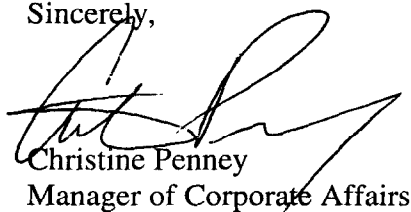
The notification requirement as written represents a serious constraint in shipping fresh and live product for which it is critical to get the product to market as quickly as possible. Our facilities are within several hours transport of the border and prior notification by noon the day prior would result in fresh product being held at the dock or on the truck for some time before shipment, causing deterioration in quality of the product.

Our company supports Fisheries Council of Canada proposal to allow prior notification of no less than four hours for fresh perishable or live seafood shipments, this could be done with no opportunity to amend the initial pre-notification. I would ask that you give consideration in particular to the low risk for bioterrorism on shipments of live animals and consider the business costs of delays at the border. Natural mortality of aquatic animals increases dramatically with increased transport time and results in significant costs to industry.

In particular, the nature of a daily cut-off time for prior notification rather than a defined number of hours prior to the border crossing is of concern. Should an error occur in the submission of the initial notification, the result could be a delay at the border of up to 36 hours. This severe a delay would result in spoilage of a live lobster shipment and serious deterioration and reduced economic value of fresh fish.

Thank you for taking the time to consider our comments in formulating the final regulations. I am confident that the proposed solution for live and fresh seafood shipments can address both the business realities of Canada/US seafood trade as well as meet the food security goals of the Bioterrorism Act.

Sincerely,



Christine Penney
Manager of Corporate Affairs

Cc: Phil Spiller, Director, Office of Seafood, CFSAN
Robert Thibault, Minister of Fisheries, Department of Fisheries and Oceans
Gordon Balser, Minister of Fisheries and Aquaculture, Nova Scotia
Patrick McGuinness, Fisheries Council of Canada